IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

WRIT PETITION NO.449 OF 2005

Shreenath Krupa Co-op. Housing
Society Limited ..Petitioner.
Vs.
Municipal Corporation of Greater Mumbai & Anr. ..
Respondents.

WITH
WRIT PETITION (LODG.) NO.1033 OF 2005

Blossom Co-op. Housing Society Limited ..
Petitioner.
Vs.
Municipal Corporation of Greater Mumbai & Anr. ..
Respondents.

WITH
WRIT PETITION (LODG.) NO.1034 OF 2005

Gopal Sadan Co-op. Housing
Society Limited ..Petitioner.
Vs.
Municipal Corporation of Greater Mumbai & Anr. ..
Respondents.

WITH
WRIT PETITION (LODG.) NO.1035 OF 2005

Bliss Co-op. Housing Society Limited ..Petitioner.
Vs.
Municipal Corporation of Greater Mumbai & Anr. ..
Respondents.

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Mr. J. Reis with Mr. Y.M. Chaudhari for the Petitioners. (in all the above matters).

Ms. Aruna Savla for Respondent No.1. (in all the above matters).

Mr. R.M. Sawant, Government Pleader for Respondent No.2 (State). (in all the above matters).

WITH
WRIT PETITION (LODG.) NO.1114 OF 2005

Vishal Villa Co-op. Housing
Society Limited ..Petitioner.
Vs.
Municipal Corporation of Greater Mumbai & Anr. ..
Respondents.

WITH
WRIT PETITION (LODG.) NO.1115 OF 2005

Park Avenue Co-op. Housing
Society Limited ..Petitioner.
Vs.
Municipal Corporation of Greater Mumbai & Anr. ..
Respondents.

WITH
WRIT PETITION NO.1208 OF 2005

Rajendra C. Jain ..Petitioner.
Vs.
Municipal Corporation of Greater Mumbai & Anr. ..
Respondents.

..

Mr. J. Reis with Mr. Y.M. Chaudhari for the Petitioners. (in all the above matters).

Ms. Aruna Savla for Respondent No.1. (in all the above matters).

Mr. Amjad Sayed, Assistant Government Pleader for Respondent No.2 (State). (in all the above matters).

WITH
WRIT PETITION NO.1161 OF 2005

Goodwill Properties Pvt. Ltd. ..Petitioner.

Vs.

Municipal Corporation of Greater Mumbai & Anr. .. Respondents.

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Mr.Shyam Diwan, Senior Advocate, with Mr. Y.M. Chaudhari for the Petitioner.

Ms. Aruna Savla for Respondent No.1.

Mr. Amjad Sayed, Assistant Government Pleader, for Respondent No.2 (State)

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CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

25th August, 2005.

P.C. :

1. The learned Government Pleader appearing for the State submits that Bill No.19 of 2005 has been passed by both the Houses of the State and it has been sent for the assent of the Governor.

2. He further submits that Section 144-D has been inserted in the Mumbai Municipal Corporation Act. The same reads as under :

> "144-D. Notwithstanding anything contained in section 140 or any other provisions of this Act, during the period of twenty years from the date of commencement of the Mumbai Municipal Corporation (Second Amendment) Act, 2005 or from the date of first occupation of the tenements hereinafter

specified, whichever is later, the property tax in respect of the residential tenements having carpet area not exceeding 350 square feet, situated in a building, in the Island City of Mumbai, which, -

(a) is entitled to FSI benefit under regulation 33(7) of the Development Control Regulations for Brihan Mumbai, 1994; and

(b) is a cessed building governed by the Maharashtra Housing and Area Development Act, 1976 and is reconstructed or redeveloped by,-

(i) the co-operative housing society formed by existing tenants; or

(ii) the co-operative society formed by the occupiers (including owner occupier) of the building classified as Category 'A under section 84 of the Maharashtra Housing and Area Development Act, 1976; or

(C) belongs to the Corporation, was first constructed prior to 1940 and is reconstructed or redeveloped by the co-operative housing society formed by its occupiers;

shall be levied at such reduced rate, as the State Government may, by notification in the Official Gazette, from time to time, fix; and different rates may be fixed for different periods and for different tenements:

Provided that, no tax at reduced rate shall be levied in respect of the residential tenement, in the building reconstructed or redevelped by the co-operative housing society of the existing tenants or occupiers, if the existing tenant or occupier ceases to occupy the tenement in the reconstructed or redeveloped building as a member of such co-operative housing society."

3. In view of the new provision, Section 144-D, all assessments of the Corporation will have to be in consonance with the new provision after it receives the assent of the Governor. In view of this development, nothing further survives in this batch of petitions and they are accordingly disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.